

dh



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,769	04/30/2001	Ken Ikoma	33555	2183
116	7590	05/26/2006	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/830,769	Applicant(s) IKOMA ET AL.	
	Examiner Yogesh K. Aggarwal	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/17/2006 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 2-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 2, 3/2, 3/8, 4, 5, 8, rejected under 35 U.S.C. 102(b) as being anticipated by Dillon et al. (US Patent # 4,016,597).

[Claim 4]

Dillon et al. teaches a method of switching optical filters of a camera (figures 2, 6 and specifically 11) comprising forming an image on an image pick-up element (6) through a lens (4) provided on a camera body, converting the image into an electrical signal through the image pick-up element, thereby obtaining an image signal (col. 5 lines 34-56), detecting a level of the

Art Unit: 2622

image signal output from the image pick up element (e.g. output of image pick up element 6 is compared to a reference level V_{ref} . in figure 6) and selectively positioning one of a first optical filter (64, IR cut filter) and a second optical filter (66 or 68) in front of the image pick-up element depending upon the detected signal level (col. 6 line 34-col. 7 line 13).

[Claim 5]

Dillon teaches that the first optical filter (64) is an IR cut filter used for color output and the second filter dummy glass (66 or 68) used for black and white output (Also in applicant's specification, IR cut off filter is inserted for color output). Dillon further teaches that the color filter is switched during is used during normal light levels and monochrome filter 66 or 68 during low light (col. 6 line 34-col. 7 line 13).

[Claim 8]

Dillon teaches a lens (4) provided on a camera body, an image pick-up element (6) for converting an image is provided by the lens into an electrical image signal (col. 5 lines 34-56); a first optical filter (64); a second optical filter (66 or 68); and optical filter switching mechanism (disk 60 moving according to signal V_g) for selectively positioning one of the first optical filter and the second optical filter in front of the image pick-up element based on a level of the image signal (col. 6 line 34-col. 7 line 13).

[Claim 2]

This is an apparatus claim corresponding to method claim 5. Therefore it has been analyzed and rejected based upon method claim 5.

[Claim 3/2, 3/8]

Art Unit: 2622

Dillon teaches detecting means level of the image signal (V0) output from the image pick-up element (5) by detecting means (e.g. output of image pick up element 6 is compared to a reference level Vref. in figure 6) and automatically switching between a first optical filter (infra-red cut filter 64) and a second optical filter (66 or 68, (col. 6 line 34-col. 7 line 13)).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillon et al. (US Patent # 4,016,597) in view of Fukushima (US Patent # 5,903,700).

[Claims 6 and 7]

Dillon teaches switching optical filters from first to second or vice-versa depending upon the brightness of the exterior as discussed in claims 4 and 5 but fails to teach, “.... outputting character information indicating the switching from display means to a monitor, displaying the character information together with an image shot by the camera, on a screen of the monitor wherein character information indicating that a black-and-white image is displayed on the monitor when said image shot by the camera is automatically switched from a color image to a black-and-white image after detecting an image pickup environment”. However Fukushima teaches that it is well known in the art to have an icon for a particular camera be displayed on the monitor 100 wherein a colored icon represents a color camera and a black and white icon represents B/W camera together with an image shot by the camera (col. 10 lines 41-46). In light

Art Unit: 2622

of the teachings of Fukushima and Dillon, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have an icon be replaced with characters to show the switching information from B/W to color camera and character information about the black-and-white image be displayed on a monitor. The benefit of doing so would be to discriminate between a color camera and a black-and-white camera as taught in Fukushima (col. 10 lines 41-42).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/830,769

Page 6

Art Unit: 2622

YKA

May 24, 2006

A handwritten signature in black ink, appearing to read 'David Ometz', with a long horizontal line extending to the right.

DAVID OMETZ
SUPERVISORY PATENT EXAMINER